

REMARKS

Applicant hereby amends the specification and amends claims 12 and 14.

Claims 1-12 and 14 remain pending in the application, with claims 1, 12, and 14 being in independent form.

In the Office Action¹ the Examiner rejected claim 12 under 35 U.S.C. § 112, second paragraph; rejected claim 14 under 35 U.S.C. § 101; and indicated that claims 1-11 are allowable.

§ 112 Rejection

The Examiner asserted that claim 12 is indefinite because the language “adapted to perform” is vague and indefinite. Although Applicant does not necessarily agree with the Examiner’s assertion, in an effort to expedite prosecution Applicant has amended claim 12 to recite “[a]n apparatus . . . comprising a control unit that performs a method.” Applicants respectfully request this rejection be withdrawn.

§ 101 Rejection

In the Office Action, claim 14 was rejected as being directed to non-statutory subject matter. Although Applicant does not necessarily agree, in an effort to expedite prosecution Applicant has amended claim 14 to recite “a non-transitory computer readable storage medium” in accordance with the Examiner’s suggestion and in accordance with the U.S.P.T.O.’s Subject Matter Eligibility of Computer Readable Media

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

memorandum dated January 26, 2010. Accordingly, Applicant respectfully requests this rejection be withdrawn.

At the Examiner's request, Applicant has also amended the specification to remove a reference to propagating signals.

Claims 1-11

Applicant notes with appreciation the Examiner's acknowledgement that claims 1-11 are allowable.

Conclusion

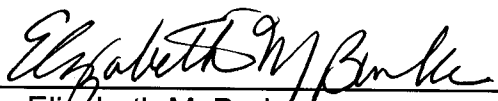
In view of the above, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 30, 2010

By: 
Elizabeth M. Burke
Reg. No. 38,758
(202) 408-4000